

Mail Stop Interference
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Paper 29

Filed 15 December 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

VISHVA M. DIXIT
Junior Party
(Application No. 08/826,577),

v.

JOHN C. REED,
AND TAKAAKI SATO
Senior Party
(Patent 6,172,187)

Patent Interference No. 105,637
(Technology Center 1600)

1 Before Lee, Lane, and Medley, Administrative Patent Judges.

2 Lane, Administrative Patent Judge.

3 Judgment— Request for Adverse – Bd.R. 127(b)

4 Dixit requests adverse judgment as to Count 1, the sole count of the interference.

5 (Paper 27). The request is GRANTED.

6 It is

7 ORDERED that judgment on priority as to Count 1 (Paper 1 at 3), the sole

8 count of the interference, is entered against junior party Dixit;

1 FURTHER ORDERED that claims 42 and 48 of Dixit application
2 08/826,577, which claims correspond to Count 1, be FINALLY REFUSED; 35 U.S.C.
3 § 135(a);

4 FURTHER ORDERED that the parties are directed to 35 U.S.C. § 135(c)
5 and Bd. R. 205 regarding the filing of settlement agreements; and

6 FURTHER ORDERED that a copy of this judgment shall be entered into
7 the administrative record of Dixit application 08/826,577 and Reed patent 6,172,187.

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12 cc (via electronic filing):

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Patent Interference No. 105,637
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Decision – Interlocutory Motion – Bd.R. 125(b)

- 1 On 9 December 2008, at approximately 2:00 pm, a conference call was held.
- 2 The following participated in the call:
- 3 1. David Casimir and Robert Goetz, counsel for Dixit,
- 4 2 Paul Devinsky and David Gay, counsel for Reed, and
- 5 3. Sally Gardner Lane, Administrative Patent Judge.

1 The parties indicated that a settlement agreement has been reached. Pursuant
2 to the agreement, Dixit will request adverse judgment.

3 The parties moved to be excused from filing the settlement agreement
4 electronically. Instead, the parties asked to file a paper copy of the settlement
5 agreement along with a request to keep the agreement separate from the interference
6 file. 37 C.F.R. § 135(c); Bd. R. 205(c).

7 An Order to Show Cause why judgment should not be entered against Dixit has
8 been entered. (Paper 3). Dixit has responded to the Order to Show Cause. (Paper
9 20). However, as Dixit is requesting adverse judgment, there is no reason for the Board
10 to consider the Dixit response.

11 It is

12 ORDERED that the parties are authorized to file the settlement agreement
13 as a paper copy with a request to keep the agreement separate from the interference
14 files; and

15 FURTHER ORDERED that the Dixit response to the Order to Show Cause
16 (Paper 20) will not be considered by the Board as Dixit is requesting adverse judgment.

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18 /Sally Gardner Lane/
19 Administrative Patent Judge
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cc (via electronic filing):

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